

EDUCATION REPORTING REQUIREMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Rosalind J. McGee

This act modifies the State System of Public Education Code by requiring reporting of the number of certificates of exemption from school attendance issued by school districts for students who are taught at home.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-11-102, as last amended by Chapter 99, Laws of Utah 1999

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-11-102** is amended to read:

53A-11-102. Minors exempt from school attendance.

(1) A school-age minor may be excused from attendance by the local board of education and a parent exempted from application of Subsections 53A-11-101(2) and (3) for any of the ~~[following]~~ reasons~~[:]~~ specified in Subsection (2) or (3).

~~[(a)-a]~~ (2) A minor over age 16 may receive a partial release from school to enter employment if the minor has completed the eighth grade. Minors excused under this Subsection (2) are required to attend part-time schooling or home schooling as prescribed by the ~~[board, or]~~ State Board of Education.

~~[(b)-on]~~ (3) On an annual basis, a minor may receive a ~~[full]~~ release from attending a public~~[:]~~ or regularly established private~~[-or part-time]~~ school or class if:

~~[(i)]~~ (a) the minor has already completed the work required for graduation from high school, or has demonstrated mastery of required skills and competencies in accordance with Subsection 53A-15-102(1);

~~[(ii)]~~ (b) the minor is taught at home in the subjects prescribed by the State Board of Education in accordance with the law for the same length of time as minors are required by law



to be taught in the district schools;

~~[(iii)]~~ (c) the minor is in a physical or mental condition, certified by a competent physician if required by the district board, which renders attendance inexpedient and impracticable;

~~[(iv)]~~ (d) proper influences and adequate opportunities for education are provided in connection with the minor's employment; or

~~[(v)]~~ (e) the district superintendent has determined that a minor over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

~~[(2)]~~ (4) In each case, evidence of reasons for granting an exemption must be sufficient to satisfy the local board.

~~[(3)]~~ (5) (a) Boards excusing minors from attendance shall issue a certificate stating that the minor is excused from attendance during the time specified on the certificate.

(b) Local school boards shall report to the state superintendent of public instruction, for students taught at home, the number of:

(i) certificates of exemption from school attendance issued for each school year; and

(ii) students who are partially enrolled in public schools and the aggregate days of membership of the partially enrolled students.

(c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that establish the procedures and requirements for the reports required under this Subsection (5).

(d) The state superintendent of public instruction shall include the information reported under Subsections (5)(b) and (c) in the annual report required by Section 53A-1-301.

Legislative Review Note

as of 1-3-03 1:06 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Education Reporting Requirements***21-Jan-03***Bill Number HB0083***4:57 PM*

State Impact

Provisions of this bill can be implemented within existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst